(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO.1929 OF 2003

PETITIONER : H.C.Jaiswal, son of Ayodhya Prasad Jaiswal, aged about 60years, Occupation-Assistant Engineer, posted at Rural Engineering Services at Sub-Division,Janjgir-Champa,(C.G.)

V E R S U S

RESPONDENTS :1. State of Chhattisgarh,through, the Secretary, Panchayat and Rural Development Department,Raipur, District-Raipur,(C.G.)

:2. Sub Divisional Officer, Rural Engineering Services, Champa,District -Janjgir-Champa,(C.G.)

P.A No. 1283/03
Presented by Shri Sunil Sahu
dated 30.06.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(35)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. NO. 1929/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	18/09/2003	

Shri Awadh Tripathi, counsel for the petitioner.

Shri Ranbir Singh, GA for the State.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner challenges the transfer order dated 25/06/2003 passed by respondent no.1 (Annexure P/1) by which the petitioner has been transferred from Sub-Division Janjgir Champa to Sub-Division Dharamjaigarh, District Raigarh.

The case of the petitioner is that he is working as an Assistant Engineer in the Rural Engineering Service at Janjgir Champa and he will be retiring in the month of January, 2004 and at the fag end of his career, the petitioner has been transferred from Janjgir Champa to Dharamjaigarh, District Raigarh.

Counsel for the petitioner submits that the pension case of the petitioner has already been put up before the authority and the services of the petitioner hardly remains only four months and if the petitioner will be transferred, his pension case will be effected and he will face irreparable loss.

Sr. 2019

(36)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case and having regard to the fact that only four months are left in his retirement and as per the rules, pension case to be processed before six months from the date of retirement of the petitioner, more-over as per the Government Policy normally a Government employee is not transferred when only two years are left for his retirement, I am of the opinion that it is a fit case in which the petition of the petitioner should be allowed. If the impugned transfer order is allowed to exist then petitioner's pension case will not be processed even after his retirement, more over even if the impugned transfer order is implemented, since four months are left in retirement of petitioner, as such for this small period petitioner services cannot be utilized for full extent.

In the result, this petition is allowed and his transfer order dated 25/06/2003 (Annexure P/1) is quashed.

Sd/-
L.C.BHADOO
Judge

Rajn